

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

Stephen W. Silberstein,

Plaintiff,

- against -

Aetna Inc., Mark T. Bertolini, Fernando Aguirre,
Frank M. Clark, Betsy Z. Cohen, Molly J. Coye,
Roger N. Farah, Barbara Hackman Franklin,
Jeffrey E. Garten, Gerald Greenwald, Ellen M.
Hancock, Richard J. Harrington, Edward J.
Ludwig, and Joseph P. Newhouse,

Defendants.

13-CV-8759 (AJN)

NOTICE OF MOTION TO
DISMISS PLAINTIFF'S
COMPLAINT

ORAL ARGUMENT
REQUESTED

PLEASE TAKE NOTICE THAT, upon the annexed declaration of Dana M. Seshens, Esq., dated February 10, 2014, the exhibits thereto, and the accompanying Memorandum of Law in Support of Defendants' Motion to Dismiss Plaintiff's Complaint, Defendants will move this Court before the Honorable Alison J. Nathan, at a date and time determined by the Court, for an Order pursuant to Rule 12(b)(6) of the Federal Rules of Civil Procedure and Local Rule 7.1, granting their motion to dismiss and granting such other and further relief as the Court deems just and proper.

Dated: New York, New York
February 10, 2014

DAVIS POLK & WARDWELL LLP

By: /s/ Dana M. Seshens

Dana M. Seshens

Jonathan D. Martin

450 Lexington Avenue
New York, New York 10017
(212) 450-4000

*Attorneys for Defendants Aetna Inc., Mark.
T. Bertolini, Fernando Aguirre, Frank M.
Clark, Betsy Z. Cohen, Molly J. Coye,
Roger N. Farah, Barbara Hackman
Franklin, Jeffrey E. Garten, Gerald
Greenwald, Ellen M. Hancock, Richard J.
Harrington, Edward J. Ludwig, and Joseph
P. Newhouse.*